

SECOND REGULAR SESSION

SENATE BILL NO. 569

98TH GENERAL ASSEMBLY

INTRODUCED BY SENATOR PEARCE.

Pre-filed December 1, 2015, and ordered printed.

ADRIANE D. CROUSE, Secretary.

4890S.011

AN ACT

To repeal section 304.820, RSMo, and to enact in lieu thereof one new section relating to text messaging while operating motor vehicles.

Be it enacted by the General Assembly of the State of Missouri, as follows:

Section A. Section 304.820, RSMo, is repealed and one new section
2 enacted in lieu thereof, to be known as section 304.820, to read as follows:

304.820. 1. Except as otherwise provided in this section, no person
2 [twenty-one years of age or younger] operating a moving motor vehicle upon the
3 highways of this state shall, by means of a hand-held electronic wireless
4 communications device, send, read, or write a text message or electronic message.

5 2. Except as otherwise provided in this section, no person shall operate
6 a commercial motor vehicle while using a hand-held mobile telephone.

7 3. Except as otherwise provided in this section, no person shall operate
8 a commercial motor vehicle while using a wireless communications device to send,
9 read, or write a text message or electronic message.

10 4. The provisions of subsection 1 through subsection 3 of this section shall
11 not apply to a person operating:

12 (1) An authorized emergency vehicle; or

13 (2) A moving motor vehicle while using a hand-held electronic wireless
14 communications device to:

15 (a) Report illegal activity;

16 (b) Summon medical or other emergency help;

17 (c) Prevent injury to a person or property; or

18 (d) Relay information between a transit or for-hire operator and that
19 operator's dispatcher, in which the device is permanently affixed to the vehicle.

EXPLANATION—Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.

20 5. Nothing in this section shall be construed or interpreted as prohibiting
21 a person from making or taking part in a telephone call, by means of a hand-held
22 electronic wireless communications device, while operating a noncommercial
23 motor vehicle upon the highways of this state.

24 6. As used in this section, "electronic message" means a self-contained
25 piece of digital communication that is designed or intended to be transmitted
26 between hand-held electronic wireless communication devices. "Electronic
27 message" includes, but is not limited to, electronic mail, a text message, an
28 instant message, or a command or request to access an internet site.

29 7. As used in this section, "hand-held electronic wireless communications
30 device" includes any hand-held cellular phone, palm pilot, blackberry, or other
31 mobile electronic device used to communicate verbally or by text or electronic
32 messaging, but shall not apply to any device that is permanently embedded into
33 the architecture and design of the motor vehicle.

34 8. As used in this section, "making or taking part in a telephone call"
35 means listening to or engaging in verbal communication through a hand-held
36 electronic wireless communication device.

37 9. As used in this section, "send, read, or write a text message or
38 electronic message" means using a hand-held electronic wireless
39 telecommunications device to manually communicate with any person by using
40 an electronic message. Sending, reading, or writing a text message or electronic
41 message does not include reading, selecting, or entering a phone number or name
42 into a hand-held electronic wireless communications device for the purpose of
43 making a telephone call.

44 10. A violation of this section shall be deemed an infraction and shall be
45 deemed a moving violation for purposes of point assessment under section
46 302.302.

47 11. The state preempts the field of regulating the use of hand-held
48 electronic wireless communications devices in motor vehicles, and the provisions
49 of this section shall supercede any local laws, ordinances, orders, rules, or
50 regulations enacted by a county, municipality, or other political subdivision to
51 regulate the use of hand-held electronic wireless communication devices by the
52 operator of a motor vehicle.

53 12. The provisions of this section shall not apply to:

- 54 (1) The operator of a vehicle that is lawfully parked or stopped;
55 (2) Any of the following while in the performance of their official duties:

56 a law enforcement officer; a member of a fire department; or the operator of a
57 public or private ambulance;

58 (3) The use of factory-installed or aftermarket global positioning systems
59 (GPS) or wireless communications devices used to transmit or receive data as part
60 of a digital dispatch system;

61 (4) The use of voice-operated technology;

62 (5) The use of two-way radio transmitters or receivers by a licensee of the
63 Federal Communications Commission in the Amateur Radio Service.

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